

## **REMARKS**

### **Rejection of claims 29-48 under 35 U.S.C. §101**

The examiner rejected claims 29-48 under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. Claims 29-36, 38, 39, 42, 45 and 46 have been cancelled herein, and therefore need not be addressed. Claims 37 and 44 have been amended herein to recite recordable computer readable signal bearing media bearing the resource detection mechanism. Because recordable media is tangible, claims 37 and 44 as amended recite only tangible embodiments. As a result, claims 37, 40, 41, 43, 44, 47 and 48 recite statutory subject matter under 35 U.S.C. §101.

### **Rejection of claims 1-28, 32-36, 40-43 and 47-48 under 35 U.S.C. §102(b)**

The examiner rejected claims 1-28, 32-36, 40-43 and 47-48 under 35 U.S.C. §102(b) as being anticipated by Zalewski. Claims 1-6, 10, 15-20, 24, 32-36, 42 and 46 have been cancelled herein, and therefore need not be addressed.

### **Claims 7, 21 and 37**

Each of independent claims 7, 21 and 37 have been amended to incorporate the limitations in former dependent claims 10, 24, and 42, respectively. For this reason, the examiner's rejection of claim 10 needs to be addressed. In rejecting claim 10, the examiner states that the ability to turn the CPUs logically assigned to each partition on and off in Zalewski reads on the limitations in claim 10, which are now in claim 7, regarding detecting when at least one required resource for the selected logical partition is not powered up, and initiating power up of the at least one required resource that is not powered up. Paragraph 11 on p. 2 of Zalewski states:

In addition, the CPUs logically assigned to each partition can be turned “on” and “off” dynamically via normal operating system commands without reboot.

Because the CPUs in Zalewski can be turned on and off without reboot, the turning of a CPU on in Zalewski does not read on initiating power up of a required resource in claim 7. Furthermore, claim 7 as amended recites “wherein the detection mechanism detects when at least one required resource for the selected logical partition is not powered up”. Zalewski has no teaching or suggestion of detecting when resources are not powered up, and for initiating power up of one or more required resources that are not powered up. For these reasons, claim 7 as amended is allowable over Zalewski. Claims 21 and 37 contain similar limitations, and therefore are likewise allowable.

#### Claim 11

In rejecting claim 11, the examiner states that the ability to turn the CPUs logically assigned to each partition on and off in Zalewski reads on the limitations in claim 11. Claim 11 recites:

11. The apparatus of claim 7 wherein the resource detection mechanism initiates power off of a plurality of resources owned by the selected logical partition in response to the selected logical partition being powered off.

The ability for an operating system in Zalewski to turn a CPU on and off does not read on initiating power off of a plurality of resources owned by the selected logical partition. Furthermore, claim 11 recites that the initiating of power off is performed “in response to the selected logical partition being powered off.” The examiner has not addressed this limitation in claim 11, and has therefore failed to establish a prima facie case of anticipation for claim 11 under 35 U.S.C. §102(b). Nowhere does Zalewski teach or suggest a resource detection mechanism that initiates power off of a plurality of resources owned by the selected logical partition in response to the selected logical partition being powered off, as recited in claim 11. For these reasons, claim 11 is allowable over

Zalewski, and applicants respectfully request reconsideration of the rejection of claim 11 under 35 U.S.C. §102(b) based on Zalewski.

Claims 25 and 43

Claims 25 and 43 contain similar limitations as claim 11 addressed above, and are therefore allowable for the same reasons given above for claim 11.

Claims 12, 26 and 44

Claims 12, 26 and 44 include the limitation of initiating power up of at least one required resource that is not powered up, which is addressed in the discussion of claim 7 above, and further include the limitation of initiating power off of a plurality of resources owned by the selected logical partition in response to the selected logical partition being powered off, which is addressed in the discussion of claim 11 above. Thus, claims 12, 26 and 44 are allowable for the same reasons given above with respect to the allowability of claims 7 and 11, and applicants respectfully request reconsideration of the examiner's rejection of claims 12, 26 and 44 under 35 U.S.C. §102(b).

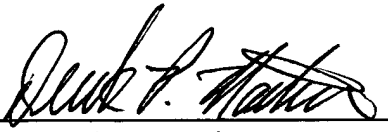
Claims 8, 9, 13, 14, 22, 23, 27, 28, 40, 41, 47 and 48

Each of claims 8, 9, 13, 14, 22, 23, 27, 28, 40, 41, 47 and 48 depend on an independent claim that is allowable for the reasons given above. As a result, claims 8, 9, 13, 14, 22, 23, 27, 28, 40, 41, 47 and 48 are allowable as depending on allowable independent claims.

Conclusion

In summary, Zalewski does not teach, support, or suggest the unique combination of features in applicants' claims presently on file. Therefore, applicants respectfully assert that all of applicants' claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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